

4-4-13 mins.

TAUNTON PLANNING BOARD MINUTES

CITY HALL, TAUNTON, MA 02780

Meeting held at Maxham School, 141 Oak St. Taunton, Ma.

DATE: April 4, 2013

BOARD MEMBERS: Daniel Dermody, Chrmn. Anthony Abreau
Bob Campbell V.C. Arthur Lopes
Manuel Spencer, Clerk Joshua Borden
Michael Ritz

ADVISORS: Mark Slusarz, City Engineer
Kevin Scanlon, City Planner

Roll Call: Borden, Abreau, Ritz, Spencer, Lopes, Campbell, and Dermody present. Meeting opens at 5:30 PM.

Josh made motion to accept minutes of March 7, 2013 meeting, seconded by Mike. All in favor.

Public Meeting - Site Plan Review - 316 Broadway - for the demolition of the existing bar/restaurant and replace it with a bank, submitted by Joseph Baptista, President, Mechanic's Co-Operative Bank, 308 Bay St., Taunton, Ma.

Petitioner was invited into enclosure, Joseph Baptista, Mechanic's Co-Operative Bank and Brad Fitzgerald, P.E., was invited into enclosure. City Planner read the DIRB comments into the record. Brad passed out updated plans based on the DIRB comments.

The existing site was the former Gaff's Bar with a deck on back with asphalt and gravel parking area. They are proposing to tear down and re-building bank in same footprint. They will use septic tanks and will be re-grading site with new pavement. They will be picking up drainage from street line. The drive-thru will be separate (tube kind) and there will be double lane coming in and there will be a sign placed 10 feet minimum from roadway. Bob asked about showing grading ? Brad stated the drainage on plans is for the adjacent site (General Fire Extinguishers) and their water will stay on their site. They are proposing arborvites for landscaping along the southwest side. Tony asked what is in back? Brad answers Van Buren Street is in back with trees. Arthur asked about coming out and you can go left or right? Chairman Dermody asked if Mass. Highway has approved any traffic light for this area since the new Walmart is going in down the road? No they didn't think a signal light was going in. Josh asked about entrance/exit and it's close proximity to the next building/ Brad answers the business next door is a very low volume business and there won't be much traffic in and out. Bob asked if they considered extending force main to Jackson Street? It was answered no. The Board asked if the bank on Bay Street was closing to come here and Joe Baptista answers he doesn't know what will happen to Bay Street.

Manny asked about any improvements they were planning on? Kevin stated the DIRB sent their comments but neglected to put "Drive-thru for Bank only". He said this drive-thru is sufficient for bank but not fast food chain. Chairman Dermody asked if another drive-thru establishment wanted to go in they would have to come back and Kevin answers yes. It was stated they have to go to ZBA next week so they would like to continue until next month for final vote. In favor: David Silva, 174 Van Buren St., was in favor of bank. This would be less impact to neighborhood than previous use.

Motion made and seconded to continue until next month.

Profile Plans submitted by Tibbetts Eng. - Constitution Drive, Independence Dr. & John Quincy Adams Rd. - Update from City Engineer relative to unaccepted street in Myles Standish Ind. Park.

Bob Field, Field Engineers and City Engineer Mark Slusarz. Mark stated they walked area and check out the street in the industrial park. John Quincy Adams Road is collapsing in a lot of places and needs work. There is a difference of opinion with him and other city officials. John Hancock Road is in poor condition next to the cul-de-sac (next to Verizon). John Quincy Adams is in poor shape near the north bound and will need some re-construction/. He stated they can discuss later the pavement course. He said there is 4 inches of asphalt and that is kind of light for an Industrial Park road. Tony has been out there and they met with TDC /Mass.

Development and they are moving forward in getting these roadways done. Bob Field stated they are getting core testing lined up and he will report back next month. Mark stated depending on the core testing it could be over 1 million to fix. If the core tests show the top course is still there then it could be reduced by 1/2 million. Manny said these are unaccepted streets and they could go to TDC

for monies. Chairman Dermody stated the TDC /Mass. Dev. are aware this Board will not approve anything until this moves forward. Tony stated it was suggested that monies from the sale of properties in the park go towards fixing roads. Update next month.

Proposed Zoning Change – submitted by the City Planner – County Street – Need to forward to the public hearing process.

City Planner Kevin Scanlon stated these properties are opposite Trucchi's supermarket. They are currently zone Urban Residential District and the proposal is to change to Highway Business District. A majority of these properties are currently being used for some type of commercial use. This change will make it easier for businesses. Josh disclosed that he did work someone on the list (hair salon owner) but stated there is no conflict of interest and he can vote on this. Letter from Mayor Hoyer was read into the record in support.

Manny made motion to refer to the public hearing process, seconded by Josh. All in favor.

Proposed Zoning Change - Weir Street - submitted by the City Planner - Need to refer to public hearing process

City Planner Kevin Scanlon explains this proposed zoning change is from White Street down to the railroad tracks on the east side.

The largest property included in this zoning change is Haskon (336 Weir Street). The intent is to change from Industrial to Business District and some from Industrial to Urban Residential District. The reason for the change is with Haskon leaving and small businesses trying to go in there a majority of them require ZBA approval. This will help out some types of businesses going in there, some will be allowed by right. Letter from Mayor Hoyer was read into the record in support.

Arthur made motion to refer to the public hearing process, seconded by Tony. All in favor.

Public Hearing - Form J Plan – To divide one lot into 4 lots (lot 5 Not a buildable lot) – Waiver of Frontage Requirements – for land located at 815 Middleboro Avenue, E. Taunton, Ma. A Special Permit from the Taunton Planning Board – To allow a common driveway to service 4 lots.-Submitted by Wm. Frenette

Hearing opens at 5:56 pm. Roll Call: Borden, Campbell, Lopes, Abreau, Ritz, Spencer and Dermody.

Kevin read the department letters from Conservation Commission, B.O.H., City Planner which were placed on file. Atty. Michael Strojny and Paul Patneau, P.E. were invited into the enclosure. William Manganiello, Airport Commission was also invited in. Atty. Strojny stated he has been before the Boards numerous times and this case dates back to 1945 when the City took some land from his client (Furmanik) and it has been in litigation since 1991 and was one of Atty. Strojny's first cases. Since then it has been before 5 different City Solicitors and now as a result of a Settlement agreement they are now ready to move forward. As a result of a ZBA approval (after P.B. approval in the Repetitive Petition) they are here tonight for hopefully the last step. He has learned that because of the litigation the airport has lost Federal Funding. He stated now that we have a Memo of Understanding we should be able to move forward. The FAA and Dept. of Transportation should be satisfied now. They have reduced their proposal to 4 buildable lots (lot 5 unbuildable – No build zone) The new plans show 4 lots with (parcel 5 labels as a "parcel" not a lot) Atty. Strojny stated they have gone to the Conservation Commission. He stated parcel A was deeded back to the Conservation Commission 8 months ago. Paul stated this is the same plan submitted to ZBA and there is no drainage issues, on-site septic and the intent is to have wells and no gas. William Manganiello on behalf of the Airport wanted the board to, if approved, incorporate the Memo of Understanding in the decision along with: record confirmatory deed, put up fencing prior to construction and record deed for 15 foot land swap. Kevin stated part of the P.B. process is to make parcel 5 part of lot 4. Paul stated the ZBA identified that lot as Not buildable, No build zone. Kevin stated you can still have that designation but just come with lot 4. Bob asked who does the land need to be transferred to, City of Taunton or Airport? Atty. Strojny said the City took the land way back then and we should transfer back to City of Taunton. Josh pointed out the plans must have Mass. State Plan Coordinates on them. Bob asked if they considered speed bumps and possibly submit design and warning signs and have them reviewed by City Engineer. They could designate "Yield" when facing common driveway. He also suggested having all addresses at intersection (on sign listing all addresses) per approval by the Airport. Manny asked about the 24 foot wide driveway (18 ft. wide paved) He asked how do you enforce anything on a private driveway? The homeowner's association has been put into place with good intentions but really how do you enforce it? He also wanted to make sure there is sufficient room for fire truck. Bob suggested recommending it be designed "Fire Lane" and then it could be enforcement. Manny had concerns with water extension (wells) and what happens when there is a fire. Kevin suggest putting specific standards into homeowner's association to address these concerns (fire protection, suitable design, source of water) Paul stated there is no grade change and it's going in the direction of the land.

Motion made and seconded to open public input. William Manganiello, Airport Commissioner just re-iterated to include the recording of confirmatory deed, erect 8 foot fence prior to construction and incorporate the Memo of Understanding in decision and record deed for 15 foot strip. Diane Medas, 817 Middleboro Ave., stated the speed bumps in the ZBA decision were for her. That is what they agreed to do for her. It was suggested re-paint center line. Mr. Manganiello states the Airport plows now. It was brought to the Board's attention by Mrs. Medas that sometimes she gets blocked in from plows if they get to plow first. There was some discussion as to whether or not she (her property) should be included in the homeowner's association? She stated she plows the Old Lane, which is the airport property and she wasn't in favor of paying into the association. It was stated the easement area is being granted by the Airport. Mr. Manganiello stated they could bring up the plowing issue with the commission. It was stated all (4 new lots & Mrs. Medas) are beneficiaries of the road.

Motion made and seconded to close public input.

Motion made and seconded to grant Form J & SP for common driveway . On discussion. City Engineer stated the lots would be under covenant and release as the work is done. Kevin suggests putting some standards in the Homeowner's Association so all owners are aware of everything. Paul stated the City should have some kind of policy dealing with this. Kevin stated this is different because you have multiple owners. Kevin suggests they could follow City standards when plowing. Bob stated he feels they have enough but on other hand it might be in favor to see conditions. Manny asked about crown and any provision for snow freezing and sanding? It was found out the City plows at 4 inches of snow.

Bob made motion to approve Form J & SP for common driveway including department comments. Seconded by Mike.

Vote: Campbell, Ritz, Abreau, Borden, Dermody,....yes

Lopes , Spencer.....No

- Unbuildable Lot #5 must be combined with lot 4 and show easement line to ensure the area of former Lot #5 remains unbuildable.
- A homeowner's association shall be formed prior to the issuance of any building permits. The association shall, at a minimum, detail maintenance and upkeep of the driveway, drainage and any utilities located therein and shall detail snow removal policy for the driveway.
- All easements shall be recorded prior to the issuance of any building permits.
- The parcel A conveyance and the required 8 foot fence shall be completed prior to any building permits.
- The project shall follow the Planning Board's requirements for subdivision surety to ensure completion of all work on site.
- Repaint the center line from Middleboro Ave. to a point 150 feet beyond the split at Westcoat Drive.
- Plans must Mass. State Plan Coordinates on it.
- Show speed bumps on plans.
- Erect Sign listing all addresses.
- Record Confirmatory Deed conveying property from Airport to City of Taunton. Provide copy to City prior to any building permits.
- Snow Removal shall be the responsibility of the Homeowner's Association and shall include common driveway and access easement on Airport property
- Erect a Yield Sign exiting the existing driveway.
- Petitioner file with the Fire Dept. to have the driveway declared a "Fire Lane".
- The lots would need to be able to construct an on-site septic system, with appropriate setback requirements and buffers in accordance with Title 5 regulation, and private well. The dwellings must comply with the Minimum Standards of Fitness for Human Habitation, State Sanitary Code, Chapter II.
- A Notice of Intent may be required for construction of the roadway and some of the lots.
- Compliance with the Memo of Understanding which reads as follows:
- **Frenette agrees for himself, his successors and assigns, to surrender any and all rights of passage in and/or on Westcoat Drive, a private driveway in said Taunton, except as hereinafter described.**
- **Frenette agrees to deed all land within fifteen (15') feet on Westcoat Drive (to be measured from the edge of pavement on the easterly side of Westcoat Drive) back to the City of Taunton for airport purposes.**
- **Frenette agrees to construct an 8 foot chain link fence along the perimeter between his property and the fifteen-foot strip described in paragraph 2 similar in construction to that currently maintained by the Taunton Municipal Airport along its perimeter.**
- **The Taunton Municipal Airport Commission agrees to declare as surplus and not necessary to airport use that portion of the 2.27 acre parcel described in the deed of the City of Taunton to Mr. Frenette dated January 2010 and recorded with the Bristol County Registry of Deeds at Book 18645, Page 308 after adjusting for paragraph #2 and to forward such declaration to the Taunton Municipal Council, the Massachusetts Department of Transportation – Aeronautics, and the Federal Aviation Administration.**
- **The parties shall cause an appraisal to be made of the parcel described in paragraph 4 above and of the value of the disputed claim that Frenette made again property claimed by the airport and on which airport hangars had been constructed. The Taunton Municipal Airport Commission agrees to expand the size and the scope of the easement currently running from Middleboro Avenue and Westcoat Drive to property owners abutting the properties of the airport and Frenette to permit Frenette, his successors, and assigns access along said easement and to permit Frenette to construct/improve an access road**

from Middleboro Avenue and to join to an access road, known as the “Old Lane”, to be constructed on Frenette’s property to service house lots be designed on said property. The redesign of the easement will be shown on a plan that Frenette is causing to be prepared designing said house lots, including utilities and access way and will be approved by the Taunton Municipal Airport Commission, the Taunton Municipal Council, and the Mayor of the City of Taunton when a design acceptable to them is presented. All work performed and/or materials procured at no costs to the City of Taunton and/or the Taunton Municipal Airport Commission.

- Frenette agrees that all advertising and selling documents for house lot on the subject property will contain disclosures as to the existence of the airport and the fact that any sale will include a covenant acknowledging the existence of the airport and its right to continued operation, acknowledgement of the emanation of noise from the airport, aviation easements to permit takeoff, landing and flight patterns over the subject property and height restrictions on construction equipment, building construction and the maintenance of trees and vegetation so as not to be obstructive of aircraft.
- Frenette agrees that any and all deeds from the subject property will contain a covenant acknowledging the existence of the airport and its right to continued operation, acknowledgement of the emanation of noise from the airport, aviation easements to permit takeoff, landings and flight patterns over the subject property, and height restrictions on construction equipment, building construction and the maintenance of trees and vegetation so as not to be obstructive of aircraft.
- Frenette agrees for himself, successors and assigns that an environmental impact statement be filed with the City of Taunton, Taunton Municipal Airport Commission, the Massachusetts Department of Transportation-Aeronautics Division, and the Federal Aviation Administration with each design or construct of any septic system or systems on the subject property.
- Frenette agrees that he will submit to the Taunton Municipal Airport Commission any and all plans prepared for submission to any planning or zoning authorities prior to their submission to such authorities. Frenette also agrees to allow an analysis of the overall environmental impact of his entire development to be conducted and submitted to the Federal Aviation Administration for review.
- This agreement shall be subject to the prior approval of the Federal Aviation Administration and the Massachusetts Department of Transportation-Aeronautics Division.

Cont’d. Meadow Land Estates – Request for lot release for lots – holding \$18,185.00 (requesting release of lots 10 lots (lots #7,9,10-19) requesting to post bond instead of cash surety - Request to switch previously approved released lot 20 and replace it for Lot 11

Mark Hampden, from Lopes was invited into the enclosure. He is requesting to post bond instead of cash surety. Also to switch lot 20 for Lot 11.

Manny made motion to allow the switch of lot 20 for Lot 11, seconded by Josh. All in favor.

Mark stated the Conservation Restriction was approved by State and will have it for next meeting. He submitted new cost to complete estimate which shows very little remaining. He asks for a continuance until next month .

Manny made motion to allow continuance, seconded by Arthur. All in favor.

SRPEDD – Planning Board Representative – May 22, 2013 – May 31, 2014

Robert Campbell was nominated and he graciously accepted position.

Summer Schedule – Re-scheduled the July 4th meeting to July 25, 2013 at 5:30 PM. No August meeting.

Meeting adjourned at 7:17 PM

